

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

David S. Garvey, et al

Serial No. 10/757,576

Filed: January 15, 2004

: Attn: Office of Initial
Patent Examination

: Group Art Unit: 1614

For: NITROSATED AND NITROSYLATED POTASSIUM CHANNEL ACTIVATORS,
COMPOSITIONS AND METHODS OF USEHonorable Commissioner for Patents
Alexandria, VA 22313-1450**SUPPLEMENTAL REQUEST FOR CORRECTED FILING RECEIPT**

Attached is a copy of the Filing Receipt issued in this application and the Response to Request for Corrected Filing Receipt received in response to our Request for Corrected Filing Receipt filed June 14, 2004. As stated in our prior request, the Filing Receipt is missing the priority information. We also attach an Application Data Sheet listing the correct priority information as requested in the Response to Request for Corrected Filing Receipt. It is requested that a corrected filing receipt be issued.

Please correct the domestic priority data on the Official Filing receipt to recite:

U.S. Application No. 10/154,916 filed May 28, 2002, pending**U.S. Application No. 09/570,727 filed May 12, 2000, issued as U.S. Patent No. 6,417,207****U.S. Application No. 60/133,888 filed May 12, 1999.**

The present application properly claims priority to 3 different applications (2 US nonprovisional applications, and 1 provisional US application). Applicants respectfully request that the Official Filing Receipt be appropriately corrected.

Since the error was made by the U.S. Patent and Trademark Office, it is believed that no fee is required with regard to this Request; however, in the event that a fee is required, the Commissioner is authorized to charge such fee to Deposit Account No. 08-0219.

Respectfully submitted,

Edward D. Gieff

Registration No. 38,898

Date:

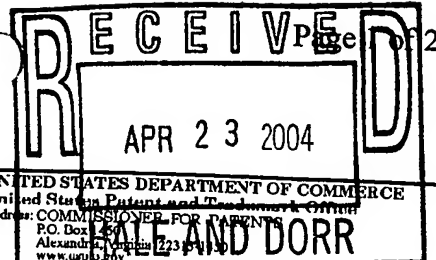
July 14, 2004

WILMER CUTLER PICKERING HALE AND DORR LLP
1455 Pennsylvania Avenue, NW
Washington, D.C. 20004
TEL: 202.942.8585; FAX: 202.942.8484



JUL 14 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

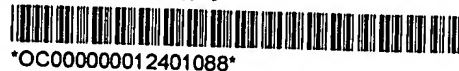


APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/757,576	01/15/2004	1614	1083	102258.286 US3	✓16	✓88	✓5

25270
EDWARD D GRIEFF
HALE & DORR LLP
1455 PENNSYLVANIA AVE, NW
WASHINGTON, DC 20004

CONFIRMATION NO. 4532

FILING RECEIPT



OC000000012401088

Date Mailed: 04/20/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

David S. Garvey, Dover, MA;
Inigo Saenz de Tejada, Madrid, SPAIN;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 04/20/2004

Projected Publication Date: 07/21/2005

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Nitrosated and nitrosylated potassium channel activators, compositions and methods of use

Preliminary Class

HALE & DORR DOCKETING

RE: 102258.286 US3
Action Date: 5/20/04
Action to be Taken: CORR. FIL. REC.
Docketed By: JF On: 4/27/04

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



JUL 14 2004

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/757,576	01/15/2004	David S. Garvey	102258.286 US3

25270
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WASHINGTON, DC 20004WILMER CUTLER PICKERING
HALE And DORR LLP DOCKETINGRE: 102258.286 US3
Action Date: 8/1/04
Action to be Taken: Corrected FR
Docketed By: Uem On: 7/1/04

OC000000013135837

CONFIRMATION NO. 4532


Date Mailed: 07/01/2004

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT**Domestic Continuity and Foreign Priority**

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- ☒ Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- ☐ A claim for priority cannot be made based on an application filed after the application making the claim.
- ☐ Domestic benefit and foreign priority claims will not be captured in a provisional application. A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- ☐ A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- ☐ Foreign priority will appear on the Filing Receipt in the following order: **Country, Application number, Filing date.**
- ☐ This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.

- ☐ The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority.
- ☐ To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.
- ☐ To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.


 Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



Application Data Sheet

Application Information

Application Number:: 10/757,576
Filing Date:: January 15, 2004
Application Type:: Continuation
Subject Matter:: Utility
CD-ROM or CD-R:: None
Title:: NITROSATED AND NITROSYLATED
POTASSIUM CHANNEL ACTIVATORS,
COMPOSITIONS AND METHODS OF USE

Attorney Docket Number:: 102258.286US3
Request for Early Publication?:: No
Request for Non Publication?:: No
Total Drawing Sheets: 16
Small Entity?:: Yes
Petition Included?:: No
Secrecy Order in Parent Application?:: No

Applicant Information

Applicant Authority Type:: Inventor
Primary Citizenship Country:: United States
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Fax number:: 202-942-8484

Representative Information

Representative Customer Number::	25270	
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Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This application	Continuation	10/154,916	May 28, 2002
10/154,916	Continuation	09/570,727	May 12, 2000
09/570,727	Non-Provisional	60/133,888	May 12, 1999

Assignment Information

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State or Province of mailing address:: Massachusetts
Country of mailing address:: United States
Postal or Zip Code of mailing address:: 01730